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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/708,623	11/09/2000	Osamu Itokawa	862.C2048	1710

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EXAMINER

PHILIPPE, GIMS S

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 01/09/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/708,623

Applicant(s)

ITOKAWA, OSAMU

Examiner

Gims S Philippe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13, 26 and 29 is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-25, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This is a first office action in response to application no. 09/708,623 filed on November 9<sup>th</sup> 2000 in which claims 1-29 are presented for examination.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12, 14-25, 27 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Panusopone et al. (US Patent no. 6,483,874).

Regarding claims 1, 6, 14, and 27, Panusopone discloses an image editing method and apparatus comprising input means for inputting image data consisting of shape data and texture data (See Panusopone figs. 2-3, items 205, 207, and col. 5, lines 64-66, col. 7, lines 15-21), separation means for separating the image data into shape data and texture data (See Panusopone fig. 1, items 155, 165, and 175, col. 7, lines 29-41), shape manipulation means for manipulating the shape data separated from the image

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data by the separation means (See Panusopone fig. 3, shape manipulating means 344, and col. 7, lines 62-65), and texture data manipulation means for manipulating the texture data in conformity with the result of manipulation by the shape manipulation means after processing by the shape manipulation means ends (See Panusopone fig. 2, item 240, fig. 3, items 346, 352, col. 7, lines 65-67, and col. 8, lines 1-8).

As per claims 2-3, 7-8, 15-16, 20, and 28, most of the limitations of these claims have been noted in the above rejection of claim 1. In addition, when the user act as a video editor by selecting a background from the library, and also when the user composes the frame 185, a display means is necessary for these tasks. In other words, the display means is inherent in the video editor as disclosed in Panusopone (See Panusopone col. 6, lines 2-13).

As per claims 4 and 17, most of the limitations of these claims have been noted in the above rejection of claim 1. In addition, Panusopone further discloses a decoding means included in the separating means for decoding the encoded shape data and texture data (See Panusopone fig. 3, items 344, 346).

As per claims 5 and 18, most of the limitations of these claims have been noted in the above rejection of claim 1. In addition, Panusopone's item 185 of fig. 1, provides a plurality of objects constituting one screen.

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As per claims 9-10, 19, and 22-23, most of the limitations of these claims have been noted in the above rejection of claim 7. In addition, the user editing, switching a manipulated shape, and receiving data as disclosed in col. 5, lines 64-66 and col. 6, lines 6-13 in Panusopone will send a command should he/she decides to end the editing operation on the personal computer. Such a commands by the user is considered an inherent feature in Panusupone.

As per claim 21, the second display step is considered an option in the editing and shape manipulation as disclosed in Panusopone's col. 5, lines 64-66 and col. 6, lines 6-13.

As per claims 11-12, and 24, the shape extraction and data extraction are performed in Panusopone's demultiplexer 150 of fig. 1, to provide items 117, 118 and 119.

As per claim 25, most of the limitations of this claim have been noted in the above rejection of claim 20. In addition, Panusopone further discloses a selection step for selecting a desired item if a plurality of objects exist, and the step is inherent when the user performs the editing (See Panusopone col. 6, lines 6-13).

***Allowable Subject Matter***

3. Claims 13, 26, and 29 are allowed.

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4. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or suggest *"comparing a bit stream that has been re-encoded according to the bit stream shape data a bit stream obtained in a separation step, and updating bit streams of portions that have been altered and writing the result to a storage device"*.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eleftheriadis et al. (US Patent no. 6092107) teaches system and method for interfacing MPEG-coded audiovisual objects permitting adaptive control.

Moon et al. (US Patent no. 6035070) teaches encoder/decoder for coding/decoding gray scale shape data and method thereof.

Sun et al. (US Patent no. 5790196) teaches adaptive video coding method.

Eifrig et al. (US Patent no. 6026195) teaches motion estimation and compensation of video object planes for interlaced digital video.

Chen et al. (US Patent no. 6057884) teaches temporal and spatial scalable coding for video object planes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S Philippe whose telephone number is (703) 305-1107. The examiner can normally be reached on M-F (9:30-7:00) Second Monday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on (703) 305-4780. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Gims S Philippe  
Primary Examiner  
Art Unit 2613

GSP

January 7, 2004